

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application.

In the Office action, the Examiner has determined that claims directed toward two separately patentable inventions are presented in the present application, and has required applicant to elect a single invention for prosecution on the merits. The inventions identified by the Examiner are:

Group I-IV: Claims 1-29; and

Group V: Claims 30-33.

In response to the restriction/election requirement, applicant hereby elects, without traverse, Group I-IV, claims 1-29 for examination on the merits.

The Examiner has further determined that the claims of Group I-IV contain the following patentably distinct species:

Species I: Claims 1-7

Species II: Claims 8-17

Species III: Claims 18-22; and

Species IV: Claims 23-29.

In further response to the restriction/election requirement, applicant hereby elects, without traverse, Species I, claims 1-7 for examination on the merits.

Claim 1 has been amended to remove specific reference to a microphone and speaker. Applicant has, in addition, added new claims 34 and 35 to the application. These new claims read on the elected invention and species and do not contain new matter. Consideration of new claims 34 and 35 is respectfully requested.

Finally, the Examiner notes that Species I is directed to an ITE type hearing aid. Typically, ITE refers to the term "In The Ear" and usually means a hearing aid that is fully contained within the outer auditory canal of the user's ear. The Examiner, referring to Figs. 1 and 2, should note that the claimed hearing aid does not fit fully fit within the outer auditory canal of the user's ear, but includes a case that is configured to snugly fit around the user's ear.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. SCH-12463.001.

Respectfully submitted,

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